

REMARKS

Claims 1-8 have previously been canceled. Claims 9-17 are pending in the application. Favorable reconsideration is requested.

Claim objections

Claim 9 was objected to for a minor informality. Applicants have amended claim 9 as suggested by the Examiner. Accordingly, Applicants respectfully request withdrawal of this rejection.

Claim rejections under 35 U.S.C. § 103(a)

Claims 9, 11, 15 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2010/0074910 (Cordeiro) in view of U.S. Patent Publication No. 2007/0153802 (Anke). Claims 10-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cordeiro in view of Anke and U.S. Patent Publication No. 2007/0097941 (Le). Claim 16 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Cordeiro in view of Le.

In order to qualify as prior art under 35 U.S.C. § 103(a), a reference must also be prior art under 35 U.S.C. § 102. However, neither Cordeiro nor Anke meet this requirement. Cordeiro claims no priority and was filed on September 25, 2008. Similarly, Anke does not claim any priority and was filed on January 4, 2006. In contrast, the present application stems from International Patent Publication WO2005/034433 which was filed on October 3, 2003. Because Applicant's priority date is earlier than the priority date of Cordeiro and Anke, the references do not qualify as prior art under 35 U.S.C. § 102. Therefore, all of the rejections made by the Examiner are moot because Cordeiro is the primary reference.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

/David W. Schalk/

David W. Schalk

Reg. No. 60,527

CUSTOMER NUMBER 026304

Telephone: (212) 940-8712

Fax: (212) 940-8986 or 8987

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DWS